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EXAMINER	
TIMBLIN, ROBERT M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,449	YOUNG ET AL.	
	Examiner	Art Unit	
	ROBERT TIMBLIN	2167	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,8,10-13,15-23,25-27,29-34 and 36-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8,10-13,15-23,25-27,29-34 and 36-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Office Action corresponds to application 10/824,449 which was filed 4/14/2004.

Response to Amendment

In the response filed 2/18/2009, Applicant therein amends claims 1-5, 8, 10-13, 15-23, 25-27, 29-34, 36-39, and 42. Applicant further cancels claim 41 and adds new claim 43. Accordingly, claims 1-5, 8, 10-13, 15-23, 25-27, 29-34, and 36-43 are pending with the response.

Specification

The abstract of the disclosure is objected to because paragraph 0035 in the originally filed disclosure is incomplete. Applicant is requested to amend the paragraph while careful not to include new matter. Correction is required. See MPEP § 608.01(b).

Claim Objections

Previous claim objections have been withdrawn in light of Applicant's correcting amendments.

However, upon further examination of the amended claims, Claim 23 is objected to because "is" should precede "configured to" in line 3 of the claim.

Claim 32 is objected to because it states "…agent comprises *utilities at least one utility*" and should be corrected.

Correction of the objected claims is respectfully requested.

35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Method claims 1, 31, and their respective depending claims are now accepted in light of the correcting amendments. Specifically, the methods in those claims are best interpreted as being tied to a particular apparatus and further as precluding the interpretation of performing the claimed steps only as manual operations.

As a note regarding claims 17 and 34 with their depending claims, these claims recite the inclusion of a processing module which gains support from the disclosure (e.g. paragraph 0049) as a processing device comprised of hardware (e.g. computer circuitry). Because these claims contain such hardware, they are best seen as a statutory apparatus and *not* software per se.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 12, 15, 17-22, 29, 31-34, 36, 38, 39, 42, 43 are rejected under 35 U.S.C. 102(e) as being taught by Schmugar et al ('Schmugar' hereafter) U.S. Patent 6,654,751.

With respect to claim 1, Schmugar teaches A method for maintaining a dynamic reference repository for an enterprise comprising the steps of:

performing by a processing module (col. 5 line 9), automated identification of enterprise (col. 2 line 30; e.g. VIP system) information requirements (col. 2 line 1-5; e.g. configuration data specifying which descriptor data to collect) and enterprise technology requirements (col. 2 line 3-5; e.g. VIP configuration data including criteria to determine which repositories to patrol and which virus data to collect (i.e. information/technology requirements for the VIP system)) based on a desired enterprise capability (col. 3 line 27-37; e.g. teaches the system's desired capability to provide current descriptor data and support security threat knowledge) to thereby identify and populate the dynamic reference repository (110) with pertinent inputs (abstract; virus description data) required to support the desired enterprise capability (col. 3 lines 29-32; e.g. teaches the system gathering information to support security threat knowledge);

discovering (col. 7 line 34-35, 1106) the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110), the pertinent inputs (abstract; virus description data) comprising data from a plurality of information resources (102) containing knowledge (i.e. information pertaining to a virus threat) accessible to update or add (222) to the collective knowledge (col. 21 line 1-11) stored within the dynamic reference repository (110);

retrieving (col. 5 line 46-48) the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) to update or add (222, col. 7 line 33-36) to the collective knowledge (col. 21 line 1-11) stored in the dynamic reference repository (110);

contextually mapping (col. 5 line 66-col. 6 line 14 and figure 11; e.g. the assignment of categories and metadata) the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110);

at least the discovering (col. 7 line 34-35, 1106), retrieving (col. 5 line 46-48), and mapping (col. 5 line 66-col. 6 line 14 and figure 11) performed with an automated software agent (100) configured to communicate with the plurality of information resources (102) and a dynamic reference database (110) for storing collective knowledge (col. 21 line 1-11), the automated software agent (100) stored in a memory device accessible to the processing module (col. 5 line 5-10); and

distributing the pertinent inputs (abstract; virus description data) to update the dynamic reference repository (110).

With respect to claim 2, Schmugar teaches the method of claim 1,

wherein the step of discovering pertinent inputs includes determining the pertinent inputs in a context of the desired capability (fig. 2);

wherein the automated software agent (100) is customizable (col. 4 line 5-6) by a user (col. 3 line 34-36) to define a customizable agent (100); and

wherein the method further comprises the customizable automated software agent:

mapping an enterprise requirement (e.g. assigning the need for security information) received from a procuring entity (col. 1 line 56-63; e.g. a company needing security information) and a plurality of pertinent technologies (102/106) to the desired capability to allow users to evaluate a plurality of technical solutions (col. 3 line 50-57 and fig. 9; e.g. generating reports of companies providing description data) to the enterprise requirement (e.g. information requirements);

searching (col. 6 line 34) a plurality of information resources (108) to thereby discover the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110),

cataloging (figure 10-11) the pertinent inputs to the dynamic reference repository (110), and maintaining (col. 4 line 8) the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110).

With respect to claim 3, Schmugar teaches the method of claim 1**,**

wherein the pertinent inputs to the dynamic reference repository include updates made (col. 3 line 49) to one or more of the plurality of information resources (102) utilized as a prior existing source of information for the dynamic reference repository (figure 2, col. 3 line 67; e.g. patrolling for data describes searching the same database multiple times): the method further comprising the steps of:

dynamically updating identified enterprise requirements (col. 6 line 1; e.g. represents a requirement to categorize new information) responsive to receiving updates to source domain information (col. 5 line 40-41), operational requirements (col. 14 line 16-17), system

requirements (col. 14 line 17), technical requirements (col. 14 line 16), and standards requirements (col. 14 line 16-24);

dynamically updating identified enterprise technologies (e.g. fig. 7; virus/worm description data) responsive to receiving updates to basic science (col. 10 line 66), technological theory (col. 10 line 67 and col. 14 line 16-17), technological solutions (col. 10 line 64), and technological sources (fig. 7; e.g. companies); and

dynamically updating identified enterprise subject matter expertise (110; e.g. descriptor data information) responsive to receiving updates to expert operational experience, systems experience, and technical experience (col. 3 line 46-50; wherein anti-virus companies offer experience in the subject matter of information security).

With respect to claim 4, Schmugar teaches the method of claim 1,

wherein the step of discovering pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) includes identifying updates made to one or more of the plurality of information resources utilized as a prior existing source of information for the dynamic reference repository (figure 2, col. 3 line 67; e.g. patrolling for data describes searching the same database multiple times);

wherein the step of distributing the pertinent inputs (abstract; virus description data) includes updating (222) the database within the dynamic reference repository (110); and

wherein the method further comprises: providing notice of the identified updates made to the existing sources of information, to users of the dynamic reference repository (col. 4 line 20-

25), and analyzing and drawing logical linkages between repository documents, technology and capability assessments, and subject matter expert inputs (figs 9-10).

With respect to claim 5, Schmugar teaches the method of claim 2,

wherein the customizable agent (100) searches, discovers, and retrieves the pertinent inputs from Internet (104) or intranet resources (col. 8 line 57-58),

wherein the customizable agent searches (100), discovers (col. 7 line 34-35, 1106), and retrieves (col. 5 line 46-48) the pertinent inputs (abstract) from subject matter experts (SMEs) (108; e.g. software companies); and

wherein the customizable agent (100) further comprises at least one utility (300) configured to initiate contact with a SME with an online communication (col. 5 line 35-36) and to conduct a SME review or assessment of a technology or capability (fig. 9), the online communication including a link to an interactive enterprise website (1006) associated with the dynamic reference repository (110) to conduct the SME reviews or assessment (fig. 9).

With respect to claim 12, Schmugar teaches the method of claim 1,

wherein the step of discovering the pertinent inputs further comprises running periodic prioritized customizable agent searches of reference materials (fig. 2; e.g. patrolling suggest periodic); and

wherein the step of discovering the pertinent inputs further comprises automated time stamping of the discovered pertinent inputs with current time prior to dissemination of notice thereof to users of the database (col. 6 line 39-40).

With respect to claim 15, Schmugar teaches the method of claim 1, further comprising:

contextually relating the term (fig. 7; e.g. the mapping of a description to a company) separately with each associated different information source (fig. 7; e.g. company) to allow the term to be differentiated (col. 9 line 25; e.g. advance search allows a user to search for descriptions according to a company and thus differentiate the description by company) and properly used to thereby maintain integrity of each assigned meaning of the term (fig. 7; e.g. the virus/worm data are tagged/related to a company (information source));

interpreting the meaning of the term differently (e.g. the source of the descriptive data gives meaning) for at least two different information sources (106) to differentiate each meaning of the term relative to the respective information source to thereby prevent returning non-pertinent inputs to a search query including the term (col. 9 lines 24-43 wherein a user may specify a source in which to find a term and thus prevent non-pertinent inputs from other companies or sources).

With respect to claim 17, Schmugar teaches A dynamic reference repository system for maintaining a dynamic reference repository for an enterprise, the system comprising:

at least one database (110);

at least one information resource (102) operably coupled (104) to the dynamic reference repository (110); and

a processing module (405) operably coupled to the at least one database (110) and operable to execute a set of instructions to:

identify enterprise (col. 2 line 30; e.g. VIP system) information requirements (col. 2 line 1-5; e.g. configuration data specifying which descriptor data to collect) and enterprise technology requirements (col. 2 line 3-5; e.g. VIP configuration data including criteria to determine which repositories to patrol and which virus data to collect (i.e. information/technology requirements for the VIP system)) based on a desired enterprise capability (col. 3 line 27-37; e.g. teaches the system's desired capability to provide current descriptor data and support security threat knowledge) to thereby identify and populate the dynamic reference repository (110) with pertinent inputs (abstract; virus description data) required to support the desired enterprise capability (col. 3 lines 29-32; e.g. teaches the system gathering information to support security threat knowledge);

identify the (col. 7 line 34-35, 1106) the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110), the pertinent inputs (abstract; virus description data) comprising data from a plurality of information resources (102) containing knowledge (i.e. information pertaining to a virus threat) accessible to update or add (222) to the collective knowledge (col. 21 line 1-11) stored within the dynamic reference repository (110);

retrieve (col. 5 line 46-48) the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) to update or add (222, col. 7 line 33-36) to the collective knowledge (col. 21 line 1-11) stored in the dynamic reference repository (110),

contextually map (col. 5 line 66-col. 6 line 14 and figure 11; e.g. the assignment of categories and metadata) the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110),

manage the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) and,

distribute the pertinent inputs (abstract; virus description data) to update the dynamic reference repository (110).

With respect to claim 18, Schmugar teaches the dynamic reference repository system of claim 17,

wherein the instructions to identify pertinent inputs to the dynamic reference repository includes those to determine the pertinent inputs in a context of a specified capability (fig. 2);

wherein the processing module is further operable to:

catalog (figure 10-11) the pertinent inputs to the dynamic reference repository (110),

map an enterprise requirement received from a procuring entity (col. 1 line 56-63; e.g. necessitated security from a company) and a plurality of pertinent technologies (102/106) to the desired capability to allow users to evaluate a plurality of technical solutions (col. 3 line 50-57 and fig. 9; e.g. generating reports of companies providing description data) to the enterprise requirement (e.g. information requirements), and

maintain the pertinent inputs to the dynamic reference repository; and

maintain (col. 4 line 8) the pertinent inputs (abstract) to the dynamic reference repository (110); and

wherein the system further comprises at least one customizable agent (100) configured to search and retrieve the pertinent inputs (abstract) to the dynamic reference repository (110) from the at least one information resource (102) and to contextually map (col. 5 line 66-col. 6 line 14

and figure 11; e.g. the assignment of categories and metadata) the pertinent inputs (abstract) to the dynamic reference repository (110) to the specified capability (col. 3 line 27-37).

With respect to claim 19, Schmugar teaches the dynamic reference repository of claim 17,

wherein the pertinent inputs to the dynamic reference repository include updates made (col. 3 line 49) to one or more of the plurality of information resources (102) utilized as a prior existing source of information for the dynamic reference repository (figure 2, col. 3 line 67; e.g. patrolling for data describes searching the same database multiple times): the method further comprising the steps of:

dynamically update identified enterprise requirements (col. 6 line 1; e.g. represents a requirement to categorize new information) responsive to receiving updates to source domain information (col. 5 line 40-41), operational requirements (col. 14 line 16-17), system requirements (col. 14 line 17), technical requirements (col. 14 line 16), and standards requirements (col. 14 line 16-24);

dynamically update identified enterprise technologies (e.g. fig. 7; virus/worm description data) responsive to receiving updates to basic science (col. 10 line 66), technological theory (col. 10 line 67 and col. 14 line 16-17), technological solutions (col. 10 line 64), and technological sources (fig. 7; e.g. companies); and

dynamically update identified enterprise subject matter expertise (110; e.g. descriptor data information) responsive to receiving updates to expert operational experience, systems

experience, and technical experience (col. 3 line 46-50; wherein anti-virus companies offer experience in the subject matter of information security).

With respect to claim 20, Schmugar teaches the dynamic reference repository of claim 17,

wherein the instructions to identify pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) include those to identify updates made to the at least one information resource utilized by the processing module as a prior existing source of information for the dynamic reference repository (figure 2, col. 3 line 67; e.g. patrolling for data describes searching the same database multiple times);

wherein the instructions to identify pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) include those to update (222) the database within the dynamic reference repository (110); and

wherein the processing module is further operable to provide notice (150) of the identified updates made to the existing sources of information, to users (108) of the dynamic reference repository (col. 4 line 20-25), and analyze and draw logical linkages between repository documents, technology and capability assessments, and subject matter expert inputs (figs 9-10).

With respect to claim 21, Schmugar teaches the dynamic reference repository system of claim 18,

wherein the at least one information resource comprises at least one of the following: Internet, intranet, or subject matter experts (SMEs) resources (fig. 1; e.g. 102), wherein the processing module is further operable to discover the pertinent inputs by executing a periodic prioritized search (fig. 2; e.g. patrolling suggest periodic) of reference materials within the at least one information resource (102), and wherein the processing module is further operable to time stamp the pertinent inputs with current time prior to dissemination of notice to users of the at least one database (col. 6 line 39-40).

With respect to claim 22, Schmugar teaches the dynamic reference repository system of claim 17, further comprising:

at least one customizable agent (100) configured to search and retrieve the pertinent inputs (abstract) to the dynamic reference repository (110) from the at least one information resource (102), and comprising:

at least one utility (300) configured to initiate contact with a subject matter expert (SME) with an online communication (col. 5 line 35-36) and to conduct a SME review or assessment of a technology or capability (fig. 9), the online communication including a link to an interactive enterprise website (1006) associated with the dynamic reference repository (110), to conduct the SME review or assessment (fig. 9); and

an interface configured to provide a single common user entry point (106) into the at least one database (110) for a plurality of physically spaced apart users (108 A-C) connected through a corresponding plurality of different networks (106), and configured to allow each of the plurality of users (108) to create, edit, and manage the at least one customizable agent to create,

populate, and maintain contextual information (figs 10-11) extracted from the at least one information resource (102) to thereby provide shared knowledge throughout an enterprise (col. 4 line 27-30).

With respect to claim 29, Schmugar teaches the dynamic reference repository system of claim 17, wherein the at least one information source includes a plurality of different information sources, and wherein the processing module is further operable to:

contextually relate a term (fig. 7; e.g. the mapping of a description to a company) separately with each associated information source (fig. 7; e.g. company) to allow the term to be differentiated (col. 9 line 25; e.g. advance search allows a user to search for descriptions according to a company) and properly used to thereby maintain integrity of each assigned meaning of the term (fig. 7; e.g. the virus/worm data are tagged/related to a company (information source)); and

interpret the meaning of the term differently (e.g. the source of the descriptive data gives meaning), for at least two different information sources (106) to differentiate each meaning of the term relative to the respective information source (106) to thereby prevent returning non-pertinent inputs to a search query including the term (col. 9 lines 24-43 wherein a user may specify a source in which to find a term and thus prevent non-pertinent inputs from other companies or sources).

With respect to claim 31, Schmugar teaches A method for populating a dynamic reference repository, for an enterprise, comprising:

performing by a processing module (col. 5 line 9), automated identification of enterprise (col. 2 line 30; e.g. VIP system) information requirements (col. 2 line 1-5; e.g. configuration data specifying which descriptor data to collect) and enterprise technology requirements (col. 2 line 3-5; e.g. VIP configuration data including criteria to determine which repositories to patrol and which virus data to collect (i.e. information/technology requirements for the VIP system)) based on a desired enterprise capability (col. 3 line 27-37; e.g. teaches the system's desired capability to provide current descriptor data and support security threat knowledge) to thereby identify and populate the dynamic reference repository (110) with pertinent inputs (abstract; virus description data) required to support the desired enterprise capability (col. 3 lines 29-32; e.g. teaches the system gathering information to support security threat knowledge);

discovering (col. 7 line 34-35, 1106) pertinent inputs (abstract; virus description data) to the dynamic reference repository (110), the pertinent inputs (abstract; virus description data) comprising data from a plurality of information resources (102) containing knowledge (i.e. information pertaining to a virus threat) accessible to update or add (222) to the collective knowledge (col. 21 line 1-11) stored within the dynamic reference repository (110);

retrieving the pertinent inputs to the dynamic reference repository (110), wherein an automated customizable agent (100) searches for (214), discovers (col. 7 line 34-35, 1106), and retrieves the pertinent inputs (col. 5 line 46-48) to the dynamic reference repository (110) from Internet (104) or intranet accessible resources (col. 8 line 57-58);

managing (figure 2) the pertinent inputs to the dynamic reference repository to update or add (222) to the collective knowledge stored in the dynamic reference repository;

cataloging (figures 10-11) the pertinent inputs to the dynamic reference repository (110); and

distributing (collection of data to 110) the pertinent inputs (abstract; virus description data) to populate the dynamic reference repository (110);

(col. 7 line 34-35, 1106), retrieving (col. 5 line 46-48), managing (fig. 2), cataloging (figure 10-11), and distributing (collection of data to 110) performed by a customizable software agent (100) configured to communicate with the plurality of information resources (102) and the stored knowledge in the dynamic reference repository (110), the customizable software agent (100) stored in a memory device accessible to the processing module (col. 5 line 5-10).

With respect to claim 32, Schmugar teaches the method of claim 31, wherein the customizable software agent (100) further searches for, discovers, and retrieves the pertinent inputs from subject matter experts (SMEs) (fig. 6b; e.g. companies), and wherein the customizable software agent further comprise utilities (300, fig. 9) to conduct SME reviews, assessments or interviews and wherein the customizable software agent comprises utilities at least one utility configured to initiate contact with a SME with an online communication (col. 5 line 35-36) and to conduct a subject matter expert (SME) review or assessment of a technology or capability (fig. 9), the online communication including a link to an interactive to an interactive enterprise website (1006) associated with the dynamic reference repository (110) to conduct the SME review or assessment (fig. 9).

With respect to claim 33, Schmugar teaches the method of claim 31,

wherein pertinent inputs are contained in, and retrieved by the customizable software agent (110) from electronic communications addressed to the dynamic reference repository (fig. 1, and col. 45-48; e.g. collected data from the company at least teaches a return address), and wherein the method further comprises:

tagging a term (fig. 7; e.g. the mapping of a description to a company) and contextually relating the a term (e.g. relating the virus to the company) separately with its each associated different information source (fig. 7; e.g. company) to allow the term to be differentiated (col. 9 line 25; e.g. advance search allows a user to search for descriptions according to a company) and properly used to thereby maintain integrity of an each assigned meaning of the term (fig. 7; e.g. the virus/worm data are tagged/related to a company (information source)); and

interpreting the meaning of the term differently (e.g. the source of the descriptive data gives meaning) for at least two different information sources (106) to differentiate each meaning of the term relative to the respective information source to thereby prevent returning non-pertinent inputs to a search query including the term (col. 9 lines 24-43 wherein a user may specify a source in which to find a term and thus prevent non-pertinent inputs from other companies or sources).

With respect to claim 34, Schmugar teaches An enterprise architecture including a dynamic reference repository system having a dynamic reference repository, that comprises:

at least one database (110);

at least one information resource (102) operably coupled to the dynamic reference repository (110); and

a processing module (405) operably coupled to the at least one database and operable to execute a set of instructions to:

identify enterprise (col. 2 line 30; e.g. VIP system) information requirements (col. 2 line 1-5; e.g. configuration data specifying which descriptor data to collect) and enterprise technology requirements (col. 2 line 3-5; e.g. VIP configuration data including criteria to determine which repositories to patrol and which virus data to collect (i.e. information/technology requirements for the VIP system)) based on a desired enterprise capability (col. 3 line 27-37; e.g. teaches the system's desired capability to provide current descriptor data and support security threat knowledge) to thereby identify and populate the dynamic reference repository (110) with pertinent inputs (abstract; virus description data) required to support the desired enterprise capability (col. 3 lines 29-32; e.g. teaches the system gathering information to support security threat knowledge);

identify pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) within the at least one information resource (102), the pertinent inputs (abstract; virus description data) comprising data from at least one information resource (102) containing knowledge (i.e. information pertaining to a virus threat) accessible to update or add to (222) collective knowledge (col. 21 line 1-11) stored within the dynamic reference repository (110),

retrieve the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) from the at least one information resource to update or add (222) to the collective knowledge (col. 21 line 1-11) stored in the dynamic reference repository(110),

manage the pertinent inputs (abstract; virus description data) to the dynamic reference repository (110) and,

distribute the pertinent inputs (abstract; virus description data) to update (222) the dynamic reference repository (110).

With respect to claim 36, Schmugar teaches the method of claim 1,

wherein the step of discovering pertinent inputs includes identifying updates (216, 222) made to existing sources of information (102) for the dynamic reference repository (110);

wherein the step of distributing the pertinent inputs includes updating the database within the dynamic reference repository (222); and

wherein the method further comprises the step of disseminating a plurality of user tailored notices (150) of the identified updates to a corresponding plurality of users(subscribers 108) of the dynamic reference repository (110), each user tailored notice individually tailored for each separate one of the plurality of users (108) responsive to a list of keywords provided by the respective user col. 4 line 25-30 and fig. 5) and different from that of each other of the plurality of users to thereby provide selective individual user-based notification (col. 9 lines 5-43; e.g. a user is able to provide a specific search so the results (notification of the search) are individual user-based).

With respect to claim 38, Schmugar teaches the dynamic reference repository system of claim 17, wherein the processing module is further operable to:

tag a term and contextually relate the term with its associated information source to allow the term to be differentiated and properly used to thereby maintain integrity of an assigned meaning of the term (figure 7; e.g. virus description data tagged with company names); and

differentiate a first meaning behind the term with respect to its associated information source (col. 9 line 25; e.g. advance search allows a user to search for descriptions according to a company) and a second meaning behind the term with respect to another information source; and

redefine contextually one or more terms and definitions underlying the at least one database responsive to one or more identified pertinent inputs (figure 10-11, metadata 1004-1020; e.g. associating collected data with metadata redefines context) identifying a change in a usage of the term (e.g. categorizing the descriptions signify a change in how the description is used – news or as virus description).

With respect to claim 39, Schmugar teaches the dynamic reference repository system of claim 17, wherein identifying pertinent inputs includes identifying pertinent inputs includes identifying updates (216, 222) made to existing sources of information (102) for the dynamic reference repository (110);

wherein distributing the pertinent inputs includes updating the at least one database within the dynamic reference repository (222); and

wherein the processing module is further operable to disseminate a plurality of user tailored notices (150) of the identified updates to a corresponding plurality of users (subscribers) of the dynamic reference repository (110), each user tailored notice individually tailored for each separate one of the plurality of users (108) responsive to a list of keywords, provided by the respective user (108, col. 6 line 15-23) and different from that of each other of the plurality of users to thereby provide selective individual user-based notification (col. 9 lines 5-43; e.g. a user

is able to provide a specific search so the results (notification of the search) are individual user-based).

With respect to claim 42, Schmugar teaches the enterprise architecture as defined in claim 34, wherein the processing module is further operable to recognize a global replacement a name of a data item (col. 10 line 64; e.g. aliases) in the at least one information resource (102) to retrieve pertinent articles, knowledge, or pieces of information (fig. 8) containing the data item referred to by a different name (alias) in the at least one information resource (102).

With respect to claim 43, Schmugar teaches the enterprise architecture as defined in claim 34, wherein the processing module is further operable to contextually map (col. 5 line 66-col. 6 line 14 and figure 11; e.g. the assignment of categories and metadata) the pertinent inputs (abstract) required to support the desired enterprise capability (col. 3 lines 29-32 from the plurality of information resources (102) to the dynamic reference repository (110).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmugar in view of Goodwin (U.S. Patent 7,200,592).

With respect to claim 8 and similar claim 25, Schmugar teaches the method of claim 1,

wherein pertinent inputs (abstract; virus description data) are contained in, and retrieved by the automated software agent (100) from communications addressed to the dynamic reference repository (fig. 1, and col. 45-48; e.g. collected data from the company at least teaches a return address) for storage within the dynamic reference repository (110); and

wherein the communications addressed to the dynamic reference repository (fig. 1, and col. 45-48; e.g. collected data from the company at least teaches a return address); and

wherein the automated software agent (100) includes a utility to perform the step of generating subject matter expert request for information (col. 5 line 46-48) required to produce the determined, pertinent inputs (abstract; virus description data) to thereby obtain the required pertinent inputs (abstract; virus description data) required to satisfy the desired capability (e.g. knowledge provision to users).

Schumgar does not appear to expressly teach wherein the communications addressed to the dynamic reference repository include e-mails containing subject matter expert assessments addressed to the dynamic reference repository.

Goodwin, however, teaches e-mails containing subject matter expert assessments (col. 7 line 65-col.8 line 3; e.g. affinities) addressed to the dynamic reference repository (col. 7 line 59-62; mail DB 172; i.e. a repository of emails in which saved e-mails are seen as addressed to the repository) for providing a further content resource.

Accordingly, in the same field of endeavor, (i.e. data mining and computer security[1]), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Goodwin would have given a further resource within an organization to search (e.g. e-mails) for the benefit of giving access to content that otherwise may not be published (Goodwin, col. 8 line 1-3). Furthermore, by including e-mail communications, Schmugar may retrieve content (e.g. computer security information) not otherwise found in public resources for the benefit of having more complete descriptive data.

Claim 25 contains essentially the same subject matter and is therefore rejected under substantially the same rationale.

Claims 10, 23, 37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schumgar as applied to claims 1 and 17 respectively above , in view of Anwar et al ('Anwar' hereafter) U.S. Patent Application 2001/0047355.

With respect to claim 10, the method of claim 2,

wherein, the customizable agent searches are developed using a graphical user interface (421) (GUI) that interfaces with the dynamic reference repository (110);

and wherein the GUI allows a user to develop, customize, and manage the customizable agent searches (figure 6A-6B).

[1] Goodwin, col. 15 line 47.

Schmugar does not appear to expressly teach updating of a next customizable agent search dynamically for a user responsive to a user refusing undesired information returned a current customizable agent search.

Anwar, however, teaches updating of a next customizable agent search dynamically for a user responsive to a user refusing undesired information returned a current customizable agent search (0054, 0084 and fig 7A) for refining a search.

Accordingly, in the same field of endeavor, (i.e. search and retrieval), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Anwar would have given Schmugar refined query results based on user preferences (as well as un-preferred) for the benefit of more relevant search results in future queries.

With respect to claim 23, Schmugar teaches the dynamic reference repository system of claim 22,

wherein the interface to the at least one database (106; e.g. internet) is configured to receive pertinent inputs contained within communications addressed (fig. 1, and col. 45-48; e.g. collected data from the company at least teaches a return address) to the dynamic reference repository (110), and to retrieve the received pertinent inputs to the dynamic reference repository (110) for storage therein.

Schmugar does not appear to expressly teach updating of a next customizable agent search dynamically for a user responsive to a user refusing undesired information returned a current customizable agent search.

Anwar, however, teaches updating of a next customizable agent search dynamically for a user responsive to a user refusing undesired information returned a current customizable agent search (0054, 0084 and fig 7A) for refining a search.

Accordingly, in the same field of endeavor, (i.e. search and retrieval), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Anwar would have given Schmugar refined query results based on user preferences (as well as un-preferred) for the benefit of more relevant search results in future queries.

With respect to claim 37 and similar claim 40, Schmugar does not appear to expressly teach dynamically updating a search for a user searching the dynamic reference repository responsive to search habits of the user to optimize search results for the user; and updating a next search responsive to user input rejecting gathered information gathered during a first search to optimize search results for the user.

Anwar, however, teaches dynamically updating a search for a user searching the dynamic reference repository responsive to search habits (0054) of the user to optimize search results for the user; and updating a next search responsive to user input rejecting gathered information gathered during a first search (0054, e.g. results ratings) to optimize search results for the user (0054) for tracking user behavior such as search habits.

Accordingly, in the same field of endeavor, (i.e. search retrieval), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because Anwar's technique of utilizing user search

behavior such as searching habits and results rating would have provided to Schmugar more quality results such that the results are more optimized and relevant for a subscriber.

Claim 40 recites essentially the same subject matter and therefore is rejected on the same grounds as claim 37.

Claims 11, 16, 26, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmugar as applied to claims 1 and 17 above in view of Dworkis et al. (U.S. Patent 7,076,484) hereafter 'Dworkis'.

With respect to claim 11, Schmugar teaches the method of claim 1, further comprising the steps of:

the automated software agent (100) recognizing a global replacement (col. 10 line 64; e.g. virus variants/aliases) of a name of a data item in one of the plurality of information resources (102 and fig. 7); and

Schmugar does not appear to expressly teach redefining the name of the data item responsive to the global replacement of the name of the data item in the respective information resource, to retrieve pertinent articles, knowledge or pieces of information containing the data item previously referred to by a different name in the respective information resource.

Dworkis, however, teaches redefining the name of the data item (col. 4 line 24-26) responsive to the global replacement of the name of the data item in the respective information resource (col. 3 line 34-36), to retrieve pertinent articles, knowledge or pieces of information

containing the data item previously referred to by a different name in the respective information resource (col. 6 lines 38-55) for searching variants of input terms.

Accordingly, in the same field of endeavor, (i.e. information search and retrieval), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Dworkis would have given Schmugar the ability to identify virus alias and variant names to identify the virus under different names (e.g. needed by Schmugar, col. 10 line 64 and fig. 7 illustrating such variants) for the benefit of providing more complete descriptor data. Furthermore, the teachings of Dworkis would have given Schmugar the ability to identify updated virus names (e.g. newer versions that replace older ones) for the benefit of providing more complete descriptor data.

With respect to claim 16 and similar claims 26 and 30, Schmugar teaches the method of claim 1, further comprising the steps of:

the automated software agent (100) recognizing a global replacement of a name of a data item (col. 10 line 64; e.g. virus variants/aliases) in one of the plurality of information resources (102) from a first name during an earlier first time period to a second name during, a later second time period (col. 10 line 64-66; variants/aliases represent modified virus names); and

retrieving a set of same articles, knowledge, or pieces of information responsive to a plurality of searches by the automated software agent (figs. 7-8, 10-11), the data item being referred to by the first name identifying the data item during the earlier first time period and a

second name identifying the data item during the later second time period (col. 10 line 64-66; variants/aliases represent modified virus names).

Schmugar does not appear to expressly teach each [search] based on a separate one of a corresponding plurality of different keyword names referring to a same data item.

Dworkis, however, teaches each [search] based on a separate one of a corresponding plurality of different keyword names referring to a same data item (col. 4 lines 16-28) to search with a plurality of variant terms.

Accordingly, in the same field of endeavor, (i.e. information search and retrieval), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the teachings of Dworkis would have given Schmugar the ability to identify virus alias and variant names to identify the virus under different names (e.g. needed by Schmugar, col. 10 line 64 and fig. 7 illustrating such variants) for the benefit of providing more complete descriptor data. Furthermore, the teachings of Dworkis would have given Schmugar the ability to identify updated virus names (e.g. newer versions that replace older ones) for the benefit of providing more complete descriptor data.

Claims 26 and 30 contain essentially the same subject matter as claim 16 and therefore are rejected under the same rationale.

Claims 13 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmugar as applied to claims 1, 17 above in view of Aaron (U.S. Patent Application 2005/0015382)

With respect to claim 13 and similar claim 27, Schmugar teaches the method of claim 12,

wherein the customizable agent (100) searches are neutral to document format (col. 3 line 49-53):

wherein the pertinent inputs further comprise documents required to satisfy the desired capability (col. 3 lines 29-32; e.g. teaches gathering information to support security threat knowledge) from plurality of sources (102) and in a plurality of document formats (col. 3 line 52);

wherein the customizable agent identifies the documents (fig. 2) required to satisfy the desired capability (col. 3 lines 29-32; e.g. teaches gathering information to support security threat knowledge);

wherein the plurality of document formats comprise electronic forms that further comprise MS Office (col. 3 line 52, col. 8 line 42), web document (col. 3 line 52), and e-mail document compatible forms; and

wherein the customizable agent integrates the documents having a plurality of document formats into a common standard format used within an enterprise architecture system (col. 4 line 27-30).

Although Schmugar teaches email capability (e.g. col. 6 line 21), Schmugar does not expressly teach e-mail document compatible forms for pertinent inputs.

Aaron, however, teaches e-mail document compatible forms for pertinent inputs (0041, 0052, and 0053).

In the same field of endeavor, (i.e. data mining and knowledge retrieval), it would have been obvious to one of ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because parsing the email communications provided by Aaron would have given Schmugar a further source of information for obtaining and collecting data. Optimally this would have benefited Schmugar by providing a wider scope of data and further that only pertinent data would reside; thus leaving useful knowledge for subscribers.

Claim 27 contains essentially the same subject matter as claim 13 and therefore is rejected under the same rationale.

Response to Arguments

Applicant's arguments filed in the response dated 2/18/2009 with respect to the claims 1-5, 8, 10-12, 15-23, 25-26, 29-34, 36, 38-39, and 43 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed in the response dated 2/18/2009 pertaining to claims 13, 27, 37, 40 and 42 have been fully considered but they are not persuasive.

With respect to claims 13 and 27, Applicant's submit (page 23 of the response) that the retrieval of new virus descriptions/news is not a disclosure or teaching of identifying specific documents required to satisfy a desired capability. Examiner respectfully disagrees for the rationale provided in the foregoing rejection. Examiner further submits that Schmugar teaches

identifying specific documents pertaining to virus description data (e.g. fig. 8) that satisfies the desired capability of the system. In other words, in the desired capability to provide virus and security threat information, the specific documents retrieved by Schmugar supports and satisfies this endeavor. Examiner submits that further arguments are moot in view of the new grounds of rejection.

With respect to claim 37 and similar claim 40, Applicant submits (page 23 of the response) that Anwar teaches updating search *results* rather, in contrast, dynamically updating the search, itself, so as to optimize the results.

Examiner respectfully disagrees and submits that Anwar explicitly discloses monitoring the search habits (0054) to improve retrieved information content (results). Examiner submits that from tracking the user's behavior to tailor results, that the tailoring of the results at least teaches "…updating a search…". Further, from Anwar's system, tailored search results optimize search results and therefore teach updating a search. Moreover, Anwar also teaches an interface (figure 7A) in which a user may *refine* (update) a search based on selected refinements (i.e. user habits; e.g. paragraph 0048). Thus Applicant's argument is found unpersuasive as Anwar teaches the argued limitation.

Furthermore, Applicant's argument pertaining to updating the next search in response to rejecting certain gathered information is found unpersuasive. Specifically, Anwar monitors user's site preferences and result ratings (0054) to tailor results. Thus, in the event of rating results and preferring sites, Anwar implicitly teaches unrated information as well as un-preferred

sites (i.e. rejected). Examiner submits that from tracking this information to better tailor results, Anwar teaches optimized results from user input rejecting gathered information.

With respect to claim 42, Applicant argues that Schmugar does not teach a global replacement of a term. Examiner disagrees and maintains that Schmugar teaches this aspect by recognizing variants/aliases of a virus. Specifically, a variant or alias of a virus is interpreted as on under a different (i.e. changed) name. Corresponding to Applicant's argument that relies on the specification to support this aspect as "…whereby people in the art could start using a different name for a "particular type of lens", Examiner submits that likewise, Schmugar teaches whereby people in the [virus information] art could find viruses under different names (i.e. variants or aliases).

In light of the remaining arguments pertaining to the amended claims, Examiner submits that such arguments are rendered moot in view of the new grounds of rejection of newly found references and/or a new interpretations given to the previously applied references.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT TIMBLIN whose telephone number is (571)272-5627. The examiner can normally be reached on M-Th 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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